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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,935	04/05/2004	Hideya Seki	119350	3096
25944	7590	01/31/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER KOVAL, MELISSA J	
			ART UNIT 2851	PAPER NUMBER

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,935

Applicant(s)

SEKI ET AL.

Examiner

Melissa J. Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 and 6-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/04, 8/04, 7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species III, corresponding to Figures 11 and 12, and at least claims 5 through 9, in the reply filed on November 16, 2005 is acknowledged. The traversal is on the ground(s) that the search and examination of all claims is not burdensome. This is not found persuasive because the Description of the Drawings found in the specification makes clear that at least eight embodiments are present. Although a search for all the claims may have some overlapping areas, it is not identical for all of the claims. In order to make a proper examination of all of the claims a burdensome search would be required and the application of art to all of the claims may require a variety of references.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1 through 4 and 6 through 22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 16, 2005.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by
Tsurushima U.S. Patent 6,575,581 B2.

See Figure 1 of '581 B2, for example.

Claim 5 sets forth: "A projector comprising:

a laser beam source that outputs a laser beam that is modulated based on an image signal (See laser beam source 1 and column 3, lines 58 through 67.);

a scanning unit that scans the beam light within a predetermined surface (Refer to the galvano-mirror described at the bottom of column 3 and the top of column 4.);

a screen to which the modulated beam light is projected (See display screen 3.);

a screen monitoring unit that receives light reflected from the screen (See reflection wave sensor 6.); and

a beam light supply stopping unit that controls the laser beam source so as to stop output of the laser beam based on an output of the screen monitoring unit (See wave sensor 6 and power source 4 as described in column 5, lines 14 through 24.)."

Claim 6 sets forth: "The projector according to claim 5, wherein the screen

monitoring unit includes

a light source that emits invisible light; and

a light receiving unit that receives invisible light reflected from the screen."

See column 4, lines 33 through 35.

With respect to claim 7, see column 4, lines 18 through 67, column 5, and column 6, lines 1 through 9.

With respect to claims 8 and 9, consider the embodiment shown in Figure 2 that additionally includes image processing device 8. See column 6, lines 10 through 67 and column 7, lines 1 through 26.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamana et al. U.S. Patent 6,910,778 B2 teaches a presentation system using a laser pointer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melissa Jan Koval
Primary Examiner
Art Unit 2851
MJK

A handwritten signature in black ink, appearing to read 'Melissa Jan Koval', with a large, stylized loop at the end.

MELISSA JAN KOVAL
PRIMARY EXAMINER